IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.14312-M of 2007
Date of Decision:- 23.04.2007

Raghbir Singh & ors. ....Petitioner(s)

through
Mr.G.C.Rattan, Advocate

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG,
Punjab for respondent Nos.1 to 3.

Mr.Samuel Gill, Advocate for
respondent Nos.4 and 5.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.42 dated 24.2.2007 under Sections 420/465/466/467/468/471 IPC registered at Police Station Phillaur, District Jalandhar and all the consequential proceedings arising therefrom.

On a perusal of the impugned F.I.R., it is apparent that the dispute is primarily of civil nature and has arisen out of an alleged agreement to sell pursuant to which a sum of Rs.20 lacs was paid as earnest money by the complainant to the accused persons. On receipt of the entire sale consideration, the petitioners were required to execute the sale deed in respect of agricultural land fully descripted in the F.I.R. itself.

Needless to say that instead of filing a suit for specific

performance, the complainant party chose to initiate these criminal proceedings.

In somewhat similar circumstances, this Court has held in the case of **Mohinder Kaur vs. State of Punjab and anr.** (Crl.Misc.No.24440-M of 2006 decided on February 14, 2007) that where the dispute is of civil nature, criminal proceedings in relation thereto are not maintainable.

That apart, these proceedings close on a happy note that the parties have reconciled and have entered into a compromise dated 1.3.2007 (Annexure P-3).

Pursuant to the said compromise, learned counsel for the complainant-respondent Nos.4 and 5 states that he too has no objection if the desired relief is granted to the petitioner.

For the reasons afore-stated, this petition is allowed. The F.I.R.No.42 dated 24.2.2007 under Sections 420/465/466/467/468/471 IPC registered at Police Station Phillaur, District Jalandhar and all the consequential proceedings arising therefrom are hereby set aside.

April 23, 2007 **(SURYA KANT)**
poonam **JUDGE**